IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11876 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VINU VASHRAM KOLI

Versus

DIST MAGISTRATE

Appearance:

MS KRISHNA U MISHRA for Petitioner

MR HH PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/2001

ORAL JUDGEMENT

#. The petitioner is detained as bootlegger under order dated 18.9.2000 of District Magistrate, Rajkot and he is presently at Nadiad District Prison.

#. Challenging this order aforesaid learned counsel for the petitioner raised manifold contentions. But this petition deserves acceptance only on one contention it is

not necessary to give details of all the contentions, discuss and decide.

#. It is not in dispute that none of the respondents has filed reply to the Special Civil Application.

#. It is contended that illegible documents were given to the petitioner. In para No.18 of the Special Civil Application the petitioner submitted that the documents at page No.6, 13, 22, 37 and 47 are illegible. I have gone through these documents and find that except the document at page No.13 rest of the documents are legible. Document at page No.13 is not legible. It is unfortunate that this grievance has been made by the petitioner to the detaining authority and reference here may have to his representation at page No.73 para No.4 thereof but nobody bothered to supply legible copies of these documents. As in this case legible copy was not given, the petitioner is deprived of his right guaranteed to him under Article 22(5) of the Constitution of India to make effective representation against the detention order and only on this ground this petition deserves acceptance and accordingly the same is allowed. The order of detention of the petitioner dated 19.9.2000 is quashed and set aside. The petitioner Vinu Vashram Koli, the detenu, at present in Nadiad District Prison be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. As the learned counsel for the respondents fairly conceded the position, no order as to costs.

(S.K.Keshote, J.)

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